IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 7579 of 2001

Between:

1.Communist Party of India A.P.Council,Makdoom Bhavan
rep.by Asst.Secretary,Dr.K.Narayana.
2. A.P.Chenetha Karmika Sangham Regd.B-1532,
Himayatnagar, Hyderabad.
rep. by its General Secretary Neelam Pandari

..... PETITIONERS

AND

1. The Governement of Andhra Pradesh
rep.by its Chief Secretary Secretariat
Hyderabad.
2. The Union of India
rep.by Principal Secrectary to Government Ministry of Industries & Textiles, Lok Nayak Bhavan, New Delhi.

3. Nara Chandra Babu Naidu

Chief Minister of Andhra Pradesh

Secretariat, Hyderabad.

(R3 is expunged from the cause title as per court order

dated: 25.4.2001 in WP 7579/2001).

4. A.P.State Handloom Weavers Cooperative Society Ltd.
(A.P.C.O), Narayanaguda Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction of writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos. 1 to 3 in not releasing the necessary amounts and subsidy to the fourth respondent enabling it to pay the dues to the primary societies, towards the procured hand-loom cloth, in time and to pay the ex gratia to the bereaved families of the weavers who have committed suicides due to the non-receipt of the amounts from the respondents, as bad, arbitrary, un-constitutional and against the principles of natural justice and consequently direct the Respondents 1 to 3 and pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.C.DAMODHAR REDDY

Counsel for the Respondent Nos.1&3:GP for Industries

and Commerce.

Counsel for Respondent No.2: None appeared.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Communist Party of India and A.P.Chenetha Karmika Sangham are the petitioners in this Writ Petition and they seek direction against respondents 1 to 3 to release Rs.200 crores to the 4th respondent, which in turn would pay the amounts due to the primary hand-loom weavers cooperative societies, from whom, it was alleged that 4th respondent has procured the handloom cloth and to protect the Handloom industry in the State.

B.P.Acharya, Secretary to Government, Industries and Commerce (Tex) Department, Government of Andhra Pradesh filed counter affidavit denying material allegations in

the petition stating that on 31.3.2000 only Rs.25.60 crores were due to the primary cooperative societies and the entire amount was released by the APCO from 9.4.2001 to 10.4.2001 through the District Collector out of special funds provided by Government to overcome the crisis in the weavers sector.

In view of the affidavit-in-reply, the Writ Petition is rendered infructuous and is disposed of as such. No costs.

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DEVINDER GUPTA, C.J.

23.8.2004.

VR

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C.V.RAMULU, J.

To

1. The Chief Secretary, Governement of Andhra Pradesh Secretariat, Hyderabad.
2. The Principal Secretary to Government,The Union of India,
Ministry of Industries & Textiles, Lok Nayak Bhavan, New Delhi.

3. A.P.State Handloom Weavers Cooperative Society Ltd.
(A.P.C.O), Narayanaguda Hyderabad.

4. Two CCs to Govt. Pleader for Industries & Commerce, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.